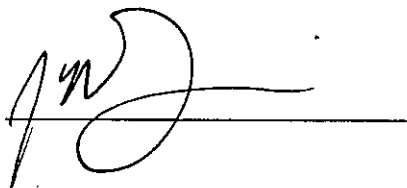


By: _____



H.B. No. 2803

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 3, Government Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Congressional Redistricting Commission.

(2) "Plan" means a redistricting plan for the Texas congressional districts adopted as provided by this chapter.

Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION. The Texas Congressional Redistricting Commission exercises the primary legislative authority of this state to adopt redistricting plans for the election of the members of the United States House of Representatives elected from this state. Districts for that legislative body may not be established while the commission has authority to act under this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial commission consists of nine members selected as follows:

(1) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the

1 political party with the most members in the house of
2 representatives;

3 (2) two members appointed by a majority vote of the
4 members of the Texas House of Representatives belonging to the
5 political party with the second highest number of members in the
6 house of representatives;

7 (3) two members appointed by a majority vote of the
8 members of the Texas Senate belonging to the political party with
9 the most members in the senate;

10 (4) two members appointed by a majority vote of the
11 members of the Texas Senate belonging to the political party with
12 the second highest number of members in the senate; and

13 (5) one member appointed by an affirmative vote of not
14 fewer than five of the members of the commission selected under
15 Subdivisions (1)-(4).

16 (b) The member appointed under Subsection (a)(5) is a
17 nonvoting member and serves as presiding officer of the commission.

18 (c) Each member of the commission must be a resident of this
19 state. At least one member appointed by the Texas House of
20 Representatives and one member appointed by the Texas Senate must
21 reside in a county not designated as a metropolitan statistical
22 area as defined by the United States Office of Management and
23 Budget. A person is not eligible to serve on the commission if the
24 person:

25 (1) holds an elective public office;

26 (2) holds an office in a political party other than
27 membership on a precinct committee;

1 (3) has served in a position described by Subdivision
2 (1) or (2) within the two years preceding the date the person is
3 appointed to the commission; or

4 (4) is required to register under Section 305.003 or
5 was required to register under that section in the two years
6 preceding the date the person is appointed to the commission.

7 (d) The full term of a member of the commission is a two-year
8 term that begins on February 1 of the year ending in one in which the
9 initial appointment to the position is required to be made and
10 expires on January 31 of the next year ending in three.

11 (e) A vacancy on the commission is filled in the same manner
12 as provided by this section for the original appointment, except
13 that, if the commission is convened when the vacancy occurs or if
14 the vacancy exists when the commission reconvenes, the supreme
15 court shall fill the vacancy if the initial appointing authority
16 fails to fill the vacancy on or before the 20th day after the date
17 the vacancy occurs or the commission reconvenes, as applicable.
18 The supreme court shall fill the vacancy not later than the ninth
19 day after the earliest date on which the supreme court may fill the
20 vacancy, or as soon after the ninth day as possible. The members of
21 the Texas House of Representatives or Texas Senate authorized to
22 appoint a member of the commission may meet as necessary to make an
23 appointment or to fill a vacancy.

24 (f) The members of the commission appointed under
25 Subsections (a)(1)-(4) shall be appointed not earlier than January
26 25 or later than January 31 of each year ending in one. The member
27 appointed under Subsection (a)(5) shall be appointed not later than

1 the 30th day after the commission convenes under Section
2 307.008(b). If a member is not appointed in the time provided by
3 this subsection, the supreme court shall make the appointment
4 before the sixth day after the last date on which the initial
5 appointing authority could have made the appointment, or as soon
6 after the sixth day as possible.

7 Sec. 307.004. OATH. Before serving on the commission, each
8 person appointed shall take and subscribe to the constitutional
9 oath of office.

10 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
11 the commission may not:

12 (1) campaign for elective office while a member of the
13 commission; or

14 (2) actively participate in or contribute to the
15 political campaign of a candidate for a state or federal elective
16 office while a member of the commission.

17 Sec. 307.006. OPERATION OF COMMISSION. (a) The
18 legislature shall appropriate sufficient money for the
19 compensation and payment of the expenses of the commission members
20 and any staff employed by the commission.

21 (b) The commission shall be provided access to statistical
22 or other information compiled by the state or its political
23 subdivisions as necessary for the commission's reapportionment
24 duties.

25 (c) The Texas Legislative Council, under the direction of
26 the commission, shall provide the technical staff and clerical
27 services that the commission needs to prepare its plans.

1 Sec. 307.007. DUTIES. The commission shall:

2 (1) adopt rules to administer this chapter; and

3 (2) comply with Chapters 551 and 552.

4 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
5 or modification of a redistricting plan is adopted by a vote of not
6 fewer than five members of the commission.

7 (b) The commission shall convene on the first business day
8 after January 31 of each year ending in one and shall adopt a
9 redistricting plan for the members of the United States House of
10 Representatives elected from this state not later than June 15 of
11 that year, unless the federal decennial census is delivered to the
12 appropriate officials of this state after May 1 of that year, in
13 which event the commission shall adopt the redistricting plan not
14 later than the 75th day after the date the census is delivered.

15 (c) If the commission does not adopt a plan within the time
16 required by Subsection (b), not later than the second day after the
17 date of the deadline for commission action prescribed by Subsection
18 (b), the chief justice of the supreme court shall appoint a person
19 to serve as an additional voting member of the commission. The
20 person appointed must be eligible to serve on the commission. The
21 term of a member appointed under this section expires on the same
22 day as the other voting members of the commission.

23 (d) Following appointment of a member under Subsection (c),
24 the commission shall adopt a redistricting plan not later than the
25 45th day after the date of the deadline for commission action
26 prescribed by Subsection (b).

27 (e) If the commission does not adopt a plan within the time

1 required by Subsection (d), the commission's authority to adopt a
2 plan is suspended and the supreme court shall adopt the plan not
3 later than the 45th day after the date of the deadline for
4 commission action prescribed by Subsection (d).

5 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

6 (a) Except as provided by Subsection (c), the commission may
7 reconvene on the motion of at least four of its voting members filed
8 with the secretary of state at any time after the adoption of the
9 initial congressional redistricting plan to modify that plan if the
10 plan becomes unenforceable by order of a court or by action of any
11 other appropriate authority or is subject to legal challenge in a
12 court proceeding. In modifying a redistricting plan, the
13 commission must comply with all applicable standards imposed by
14 this chapter, but is not limited to modifications necessary to
15 correct legal deficiencies.

16 (b) Except as provided by Subsection (c), the commission may
17 reconvene in the manner provided by Subsection (a) to adopt a
18 redistricting plan if the supreme court does not adopt a plan for
19 the applicable body in the time provided by Section 307.008(e), if
20 the supreme court is required to adopt a plan for that body because
21 the commission did not adopt an initial plan for that body as
22 required by Section 307.008(d).

23 (c) The authority of the commission to act under this
24 chapter expires on January 31 of the year ending in three.

25 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
26 plan or modification of a plan adopted under this chapter:

27 (1) each district must be composed of contiguous

1 territory;

2 (2) each district must contain a population, excluding
3 nonresident military personnel, as nearly equal as practicable to
4 the population of any other district in the plan; and

5 (3) to the extent reasonable, each district must be
6 compact and convenient and be separated from adjoining districts by
7 natural geographic barriers, artificial barriers, or political
8 subdivision boundaries.

9 (b) The commission or supreme court may not draw a
10 redistricting plan purposely to favor or discriminate against a
11 political party or any other group.

12 (c) For each plan or modification of a plan adopted by the
13 commission, the commission shall prepare and publish a report that
14 includes:

15 (1) for each district in the plan, the total
16 population and the percentage deviation from the average district
17 population;

18 (2) an explanation of the criteria used in developing
19 the plan, with a justification of any population deviation in a
20 district from the average district population;

21 (3) a map or maps of all the districts; and

22 (4) the estimated cost to be incurred by the counties
23 for changes in county election precinct boundaries required to
24 conform to the districts adopted by the commission.

25 (d) The commission shall make a copy of a report prepared
26 under this section available to the public.

27 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or

1 modification of a plan by the commission, the commission shall
2 submit the plan or modification to the governor, the secretary of
3 state, and the presiding officer of each house of the legislature.

4 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the
5 initial adoption of the plan that the commission is required to
6 adopt, the commission shall take all necessary steps to conclude
7 its business and suspend operations until the commission reconvenes
8 as provided by Section 307.009 if it does reconvene.

9 (b) The commission shall prepare a financial statement
10 disclosing all expenditures made by the commission. The official
11 record of the commission shall contain all relevant information
12 developed by the commission in carrying out its duties, including
13 maps, data, minutes of meetings, written communications, and other
14 information.

15 (c) After the commission suspends operations, the secretary
16 of state becomes the custodian of its official records for purposes
17 of election administration. Any unexpended money from an
18 appropriation to the commission reverts to the general revenue
19 fund.

20 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or
21 modification of a plan is adopted by the commission or supreme
22 court, any person aggrieved by the plan or modification may file a
23 petition with the supreme court challenging the plan.

24 (b) The supreme court has original jurisdiction to hear and
25 decide cases involving congressional redistricting, including a
26 case involving a redistricting plan adopted by the supreme court
27 under this chapter. A member of the court is not disqualified from

1 participating in a redistricting case because the member has
2 participated or may participate in the adoption of a redistricting
3 plan, but may recuse himself or herself from the case. This
4 subsection supersedes any other law, including an applicable code
5 of judicial conduct, with regard to conflicts of interest by or
6 disqualification of a member of the court.

7 (c) The supreme court may consolidate any or all petitions
8 and shall give the petitions precedence over all other matters.

9 (d) This section does not limit the remedies available under
10 other law to any person aggrieved by a plan.

11 SECTION 2. This Act takes effect September 1, 2007.

80TH LEGISLATURE**COAUTHOR AUTHORIZATION**(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)Bill or Resolution Number: HB 2803gnw
signature of **primary** authorGarcia
printed name of **primary** author3-7-07
DatePERMISSION TO SIGN HB 2803 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)☒ ALL REPRESENTATIVES☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddock	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshorel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McCleendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishitai	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No. 2803

**A BILL TO BE ENTITLED
AN ACT**

By

M. Garcia

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

MAR 07 2007

Filed with the Chief Clerk

MAR 14 2007

Read first time and referred to Committee on

Redistricting

Reported ____favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting _____

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ years, _____ days)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)